

PPG 3: CONSULTATION ON PROPOSED CHANGES

As we reported on our website in July, the Government, via the Office of the Deputy Prime Minister, has published drafts of its two proposed changes to PPG3.

The first relates to planning policy for influencing the size, type and affordability of housing. It is intended to replace paragraphs 9 to 20, 71 and Annex B of the existing PPG3, and Circular 6/98 (Planning and Affordable Housing), which will be cancelled. It deals with the assessment of housing needs, both at regional and local level, the inclusion of appropriate policies in local plans, and the delivery of affordable housing. The Government intends to produce practice guidance to accompany the proposed change, and has published a draft framework for this.

Comments on the proposed change may be made to the Office of the Deputy Prime Minister until 31 October 2003.

The second proposed change relates to reallocating employment land and other land to housing, and proposes the insertion of a new paragraph 42a into PPG3.

The proposed new paragraph provides that where land is allocated for industrial or commercial use, but is no longer needed for such use, or where there are redundant industrial or commercial buildings, applicants should be able to expect "expeditious and sympathetic" handling of any proposals they put forward for developing such land/buildings for schemes involving housing. It goes on to provide that local planning authorities should look at such applications favourably, unless the proposal is contrary to the remainder of PPG3 or would undermine regional or local housing or economic strategy, or where there is a realistic prospect of the land being used for its allocated purpose within the plan period.



Again, the consultation period on this proposed change lasts until 31 October 2003.

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LESS TIME TO APPEAL

The Government has just introduced legislation which reduces the time period for making a planning appeal from six months to three.

The Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 brought the change into effect on 5 September. However it only applies to planning applications made on or after that date. Therefore any planning application which was submitted on or before 4 September will be subject to the existing six month rule.

All developers should bear the change in mind, particularly if it appears likely that an application is going to be refused. Appropriate amendments will also need to be made to the timescales set out in contracts which are conditional on planning.



Keep in mind you on the right track

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THE HISTORIC ENVIRONMENT: REVIEW OF LEGISLATION

In November 2002, the Government stated that it intended to carry out a review of the existing legislation relating to the protection of the historic environment (i.e. ancient monuments, listed buildings, registered parks and gardens, registered battlefields, World Heritage Sites and conservation areas). The first stage of this review has now been carried out, and in July 2003 the Department for Culture, Media and Sport published a consultation paper, "Protecting our historic environment: Making the system work better". The paper sets out some possible changes designed to improve the present system, by making it simpler, more open and more flexible, but equally rigorous.

The issues for discussion include:

- whether the different regimes should be brought together into a single "List of Historic Sites and Buildings of England" ("the List")
- whether English Heritage, rather than the Secretary of State, should be given the statutory responsibility for deciding what is put on the List
- what criteria should be used to determine whether something should be put on the List

- whether the present I, II* and II gradings should be retained
- whether all items on the List should be accompanied by a map, showing exactly what area and structures are covered by the listing, and a "statement of significance" showing the reasons for listing, what is significant about the asset, and indicating what works to the asset would require consent
- whether the listing process should be open and involve consultation
- whether there should be a new right of appeal against listing decisions
- the kind of consent regime which would be most appropriate, for example whether a single flexible consent would be best.

Responses to the consultation paper may be made until 31 October 2003. The responses are due to be analysed in a report to Ministers in December, with a White Paper planned for early next year.

In addition, the Office of the Deputy Prime Minister plans to go out to public consultation early in 2004 on a draft Planning Policy Statement 15 and supporting guidance, which would replace the existing PPGs 15 and 16.

NEW GUIDANCE ON AFFORDABLE HOUSING PROVISION

The Government has recently promised new guidance on how affordable housing provision should be secured in legal agreements made under Section 106 of the Town and Country Planning Act 1990.

The Office of the Deputy Prime Minister recognises a need for some 85,000 new affordable housing units every year, a need which has become ever more important given recent house price inflation in most parts of England and Wales. However, actual completion of affordable units falls well short of target at some 17,000 in 2000, 14,000 in 2001, and around 13,000 last year.

A Government Select Committee has criticised the present system of negotiating affordable housing provision in Section 106 Agreements, claiming that this often allows developers to provide affordable housing to meet their own requirements rather than those of the community.

New rules are required for Section 106 Agreements to ensure that developers provide sufficient affordable units. The Government recognises the need to clarify the level of this provision to enable developers to accurately value and appraise potential development sites.

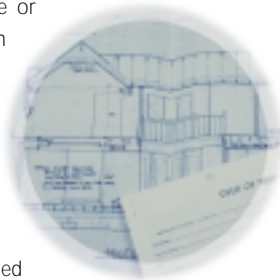
We have recently seen many Local Planning Authorities adopting supplemental planning guidance for affordable housing, but it remains to be seen exactly what the proposed new Central Government guidance will contain.

LATEST STATISTICS ON BROWNFIELD LAND

The Office of the Deputy Prime Minister has indicated that there is capacity for about 870,000 new dwellings on brownfield land in England.

This figure is based upon a national supply of some 27,950 hectares of brownfield land that is potentially available for housing, and has been calculated from data supplied by 80% of Local Planning Authorities.

Whilst much of this land may be unattractive or uneconomic to developers, the European Commission has earmarked grant aid (to be made available via Regional Development Agencies, English Partnerships, and Local Authorities) to address this. It is envisaged that the money will be made available to developers to fund the cost of decontaminating land and tackling dilapidated surroundings in order to make otherwise economically unviable areas available for residential development.



INFORMATION

If you have any queries on any planning & development matters please contact:

**Steve Hawkins at Hull on 01482 323239
or Jocelyn Denton at York on 01904 625790**

This bulletin is for the use of clients and will be supplied to others on request. It is for general guidance only. It provides useful information in a concise form.

Action should not be taken without obtaining specific advice.

We hope you have found this bulletin useful. If, however, you do not wish to receive further mailings from us, please write to

Mrs. Pat Coyle, Rollits, Wilberforce Court, High Street, Hull, HU1 1YJ.

**The law is stated as at 1 September 2003
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